

REMARKS

Reconsideration of the Final Office Action and the Advisory Action of January 5, 2007 is respectfully requested. Included herewith are fees sufficient to cover a one month extension of time.

The "Remarks" contained in the Amendment After Final filed on December 19, 2006 are incorporated herein by reference and supplemented below.

In the Final Office Action the remaining pending claims were treated/classified as follows:

- A) Claims 6, 47 and 48 were noted as being allowable in their present form;
- B) Claim 33 withdrawn;
- C) Claims 10, 32, 49 and 50 rejected under 35 USC 112; and
- D) Claims 8, 54 to 57 rejected under 35 USC 102(b) based on Erny (US 3,799,465).

Relative to "C" above, in the Amendment of December 19, 2006 there was filed a Specification Amendment (without adding new matter) in association with a discussion addressing the question raised by the Examiner as to "how the mounting surfaces are dimensioned relative to core inserts on the roll...so as to limit mounting of the film roll in only one axial orientation". This issue was fully explained in the last Amendment and reference was made as to support area in the originally filed application; and the specification amendment presented in the last Amendment (and repeated in this amendment) facilitated a more rapid appreciation of the manner in which the mounting surfaces achieved the function in an effort to further respond to the inquiry raised by the Examiner. There is lacking an indication in the Advisory Action, however, as to the status of rejection under 35 USC 112 and the claims rejected under 35 USC 112 despite the explanation given. As the inquiry raised by the Examiner is considered to have been fully addressed in the last Amendment, an updated indication is respectfully requested as to whether the 35 USC 112 rejection has been withdrawn or, if considered to remain in effect, what remains in question as to warrant a continued rejection under 35 USC 112. An update as to the claim status is also requested as, again, the rejection is considered to be shown not to have been applicable.

Also, still relative to "C" above, the Advisory Action indicates the following:

“ The proposed amendment(s) filed after a final rejection....will not be entered because ... they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.”

This grounds for non-entry is respectfully traversed. As seen from the above discussion the specification amendment is provided in conjunction with an explanation that addresses the question raised by the Examiner as to how something operates and furthers the establishment as to how that device works and clarifies that the rejection under 35 USC 112 was not warranted and thus should be removed. The removal of the 35 USC 112 rejection raised in the Final Office Action will certainly both reduce and simplify the issues for appeal by removing the 35 USC 112 rejection and leaving only the prior art for consideration in an Appeal upon filing. Nor as explained in the Amendment filed earlier does the specification change raise new issues as it is disclosure that was incorporated by reference in the originally filed application and also correlates with non-incorporated original specification disclosure addressing the question raised as to operation in the Final Office Action.

As to the prior art rejection in the Final Office Action noted in “D” above, reconsideration of this rejection is also requested both relative to the rejection presented in the Final Office Action and in the comments accompanying the Advisory Action.

Amongst the prior art rejected claims 8 and 54 to 57, claim 8 is the independent claim and includes the following language:

and wherein said latch includes a latch component which is positioned for deflecting contact with a latch reception component supported by said spindle such that a rotation of said spindle from said film roll replacement position to said film feed to dispenser mode position automatically moves said latch into a latch state following deflection.

In the Final Office Action the “latch component” set out in the above claim language is describes as being considered represented by reference number 17 of Erny, and there is further indicated in the Final Office Action that the latch component --

“is positioned for deflecting contact with a latch reception (e.g., slot near 21) such that a rotation of said spindle from the dispenser mode to the feed mode automatically moves said latch 17 into a latch state following deflection (i.e., by pulling the knob 22 it automatically activates the latch 17)...”

In the Advisory Action the following additional explanation is provided as to how the Examiner deems Erny to read on the claims.

“Erny ‘465 shows the knob attached to the latches. The automatic movement is accomplished by pulling the knob when the spindle rotates, causing the latch to move during the rotation of the spindle, which is considered automatic”

This Advisory quote implies that the rotation of the spindle (assumed to be in reference to axis 11 and not rotation about a horizontal axis although the arguments below are equally applicable in either situation) has some role in the state of the latch. This assertion is respectfully traversed.

It is first noted that a review of the Erny reference fails to disclose or suggest in any fashion that there is a simultaneously pulling out of the latch release knob and rotation of the spindle as suggested in the Advisory Action. Nor can that situation be implied as it is considered that one of ordinary skill in the art would understand Erny as being an arrangement where the spindle is positioned in a fixed, desirable roll removal location at the time of activation of the independent latch release assembly as this would facilitate the action of pulling off the roll under control and at a predetermined, desirable location for achieving pull off of the roll.

Moreover, in addition to there not being any disclosure or suggestion of the spindle being rotated simultaneously with the pulling out of the latch release rod, there is further lacking any correlation between the rotation of the spindle and the latch function that would provide support for the rotation of the spindle causing the latch change in state, which is the claimed arrangement. In other words, in Erny, the rotation of the spindle about axis 11 has no influence of any sort on the latch mechanism as the latch release mechanism is independent and limited to the axial pull out of the knob with attached rod and latch release plunger assembly. It is respectfully submitted that the asserted effort set forth in the Advisory Action to correlate the functioning of the levers with a rotation of the spindle is submitted not to find any basis relative to Erny’s two independent, entirely non-related spindle rotation about axis 11 and the separate means for pulling axially out the knob to release (retract) the latch levers. It being further noted that claim language like that quoted above should be given its ordinary meaning (unless defined otherwise by the Applicant during prosecution, which is not the case here), and one of ordinary skill in the art would not interpret a rotation of the spindle in Erny about the axis 11, which has

no functional relation with the activity of the axially limited latch release assembly in Erny, as representing an arrangement of:

a latch component which is positioned for deflecting contact with a latch reception component supported by said spindle such that a rotation of said spindle from said film roll replacement position to said film feed to dispenser mode position automatically moves said latch into a latch state following deflection

Based on the foregoing it is respectfully submitted that all claims, and the application as a whole, stands in condition for allowance, and confirmation of allowance at the Examiner's earliest convenience is respectfully requested.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 034017.009.

Respectfully submitted,
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